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VINDICATION

OF THE
PROCEEDINGS

AGAINST

The Six Members of E—Hall, *Oxford.*

[PRICE THREE-PENCE.]

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VINDICATION

OF THE

PROCEEDINGS

AGAINST

The Six Members of E—Hall, *Oxford*.

BY A GENTLEMAN OF THE UNIVERSITY.

Quid verum atque decens curo et rogo et omnis in hoc sum.

H O R.



L O N D O N:

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M D C C L X V I I I.

STANDARD

OF THE

PROCEEDINGS

OF THE

THESE PROCEEDINGS

BY A GENERAL



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T O
THE REVEREND
D^R. D U R E L L,

Vice Chancellor of the University of *Oxford*,

A N D T O
The worthy Assessors at E—— Hall:

T H I S
Vindication of their Proceedings is inscribed

B Y
Their obedient, humble Servant ;

A Member of,

And sincere well-wisher to the University.

London,
May 14, 1768.

The Reader is desired to take Notice, that the References to the Statutes are made to the Corpus Statuorum Universitatis Oxon, just published.



ERRATA.

INscription, line ult. after *well-wisher to*, add a comma; back of the inscription, for *statuorum*, read *statutorum*; page 2. note, last line but one, for *adjuvit*, read *adjuvet*; line ult. for *sacre*, read *sacro*; page 9. line 23. after *such*, add *a*; page 11. line 20. *there was a very high impropriety*, read these words after *allowed*; page 13. line 14. for *true*, read *tree*; line 17. after *from*, insert a comma; page 14. line 1. for *a mandandos*, read *amandandos*; line 22. after *society*, dele a semicolon, and insert a comma; line ult. after *qualification*, add *for*; page 15. line ult. for *this*, read *these things*.



A

VINDICATION, &c.

TO profess openly our religious principles, and to worship God in such manner as seems to us most acceptable to him, are justly esteemed a noble branch of the liberties of this country. We claim it as our birth-right; as one of those glorious privileges bought by the swords, and sealed with the blood of our noble ancestors. But at the same

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time

time that we boldly assert this right, we must consider it subject to some necessary limitations. It would be foreign from the subject of this essay, to enquire into the necessity of religious establishments: without them, probably, civil government could not be supported. The present subject will rest upon the right of societies to fix laws for the regulation of their own members, and to demand their obedience to those laws. This right must be allowed by all, where such private regulations are not contrary to, or inconsistent with the laws of the realm. Such are the statutes of the university of Oxford, confirmed by royal charter. Every member of that university, at his matriculation, takes a solemn * oath, "to observe all statutes, privileges, and customs of the university:" in which statutes the punishments for particular breaches of the rules of the university are clearly specified.

* The form of the oath, "Tu fidem dabis ad observandum omnia statuta, privilegia, & consuetudines hujus universitatis Oxon. Ita Deus te adjuvit, tactis sacre-sanctis Christi Evangeliiis.

This

This is the only criterion by which we can rightly judge of the merits of the case before us: all reasonings of the innocence of the things, in themselves, which are alledged against the members lately expelled from E—— hall, have nothing to do with the subject, and only serve to heat the minds of a party. By those statutes which they had *sworn to observe*, they must stand or fall. If the charges alledged against them are true, and the punishment assigned to such breaches of the statutes be expulsion, — they were justly expelled. If they are not breaches of the university statutes, then their expulsion was unjust and oppressive. Which of these was the case, will be the business of this essay to examine.

It is necessary to premise, that the whole proceeding was in consequence of a regular information, to the vice chancellor, as visitor of the halls, the government, and administration of which, he is by * statute obliged to take under his peculiar care.

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That

* Ut aulæ et hospitia scholarium et studentium, de tempore in tempus, quoties opus fuerit, juxta privilegia

That it was undertaken by the unanimous advice of the heads of houses.— That the assessors were men whose characters both for learning and integrity were above censure: that the charges (as the author has been informed upon good authority) were verified by oath, and by the confession of the delinquents, and were as follow :

First, that the accused members had held or frequented illicit conventicles; some not in orders had preached, expounded, and prayed extempore: that the offices of religion were performed by people of the meanest ranks and abilities: that they met at a conventicle held in a private house within the university, where a stay-maker and a woman officiated.

ac libertates universitatis debito modo visitentur. Ex stat. de off. vice can. tit. 17. sec. 3. § 2.

Aularum regimen et administrationem earundem ut peculiarem sibi curam in se suscipere eumque in finem (quoties commodum sibi videbitur) easdem VISITARE. Ex. stat. de off. can. T. 17. sec. 1. § 2. page 156.

It must be observed, that all the power of the chancellor is in his absence deputed to his vice chancellor by stat. t. 17. sec. 3. § 2. page 159.

Secondly,

Secondly, that some of them had been bred up to, and had exercised, the lowest trades, were wholly illiterate and incapable of performing the statutable exercises of the university, and much more incapable of being qualified for orders.

Thirdly, that they held the doctrines of methodism; (viz. that faith without works is sufficient to salvation:—that there is no necessity for good works:—that the immediate influence of the spirit is to be waited for:—that once a child of God and always a child of God.—)

That they had mistreated their tutor. These charges we shall consider regularly.

And first, that they had held or frequented illicit conventicles.

Mr. Whitefield, respecting this charge, vehemently insists that these meetings could not be deemed illegal, he says, “Such and such only are so as are seditious, and composed of seditious persons, who associate, indeed, under a pretence of religion, but in reality to plot against the state”. But

I must

I must beg leave to inform Mr. W—— that the definition of illegal conventicles, in a book he ought to have been well acquainted with, during his residence at Pembroke college, is as follows: “ Qualia (i. e. illicita) censenda sunt in quibus contra pacem publicam, *Doctrinam, vel Disciplinam Ecclesiæ, vel regimen et tranquillitatem universitatis* quicquam deliberatum vel gestum fuerit: vel in quibus homines (secus quam statutis regni, canonibus ecclesiæ, vel ordinationibus universitatis, permittitur); vel palam vel occulte conveniunt.*” “ Such are to be esteemed illicit conventicles, wherein any thing is deliberated or done against the public peace, *the Doctrine or Discipline of the church, or the government and tranquility of the university*; or in which men meet together, either openly, or privately, otherwise than is permitted, by the laws of the realm, the canons of the church, or the orders of the university.” The same statute, from whence this quotation is taken, strictly forbids frequenting such conventicles, “ Statutum est, quod nullus cujuscun-

* V. stat. tit. 15. § 12. p. 144. — Excerpt. p. 179. An. 1756.

que gradus, five, status, conventicula illicita intra universitatis præcinctum instituat, aut iis quovis-modo interfit, aut in domo vel hospitio suo haberi permittat." "It is enacted, That no one, of whatever degree, or station, shall institute illicit conventicles, within the precinct of the university, or shall, upon any pretence, be present at them, or permit them to be held, in his house, or lodging." It may be urged, that the house within the precinct of the university, where the six expelled members of E—— hall met, for the purposes complained of was not an illicit conventicle. Let us therefore remember one part of the definition is, "in quibus contra *Doctrinam* vel *Disciplinam Ecclesiæ* — quicquam deliberatum vel gestum fuerit;" "wherein any thing is deliberated or done against the Doctrine or Discipline of the church," i. e. contrary to the articles subscribed to by these men at their matriculation*) or the canons of

* Every student at matriculation subscribes to the 39 articles of the church, — the three articles in the 36th canon, takes the oath of supremacy, and that for observing the statutes before cited.

the church. The charge exhibits one flagrant breach of the 23d article of the church, in preaching without being ordered. — The article runs thus, “ It is not lawful for any man to take upon him the office of *public preaching*, or ministering the sacraments in the congregation before he be lawfully called and sent to execute the same. And those we ought to judge lawfully called and sent which be chosen and called by men who have public authority given unto them in the congregation to call and send ministers into the Lord’s vineyard.” We all know that protestant dissenters, of every denomination, whose ministers have not episcopal ordination, are (by the stat. 1. William and Mary, c. 18) upon taking the oaths of allegiance and supremacy, and subscribing the declaration 30. car. 2. st. 2. c. 1. against popery, and their place of meeting being certified to the bishop of the diocese, or to the archdeacon of the archdeaconry, or to the justices of the peace of the general quarter sessions and registered in the bishop’s or archdeacon’s court, or recorded at such session) exempted from the penalties in the stat. 22. car. 2.

cap. 1. and other previous statutes made for preventing and suppressing conventicles, but it is presumed that this assembly had no such exemption, and if it had, all Members of the University convening there, would have been in direct breach of the statutes.

And it may be farther urged, that their using extempore prayer in this assembly, in breach of one of the canons, subjects it to the same imputation of an illicit conventicle. — The 2d article in the 36th canon (to which these pious youths had also subscribed) declares, “ That the book of common prayer, and of ordering of bishops, priests, and deacons, containeth in it nothing contrary to the word of God, and that it may lawfully so be used, and that *I myself will use the form in the said book prescribed in public prayer and administration of the sacraments, and NONE OTHER.*” How men, who would seemingly affect to be thought conscientious, can, after such subscription, deviate so widely, seems amazing; but to see men who have so deviated held up to the public as martyrs and sufferers in the

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cause

cause of religion, and that too by a man of Mr. W——'s public character, by him, a member of the university, who has himself made the above declaration, concerning the common prayer, in the face of a learned body more than * once; to see this must strike all honest and temperate men, not only with astonishment, but horror. I shall not condescend to say much about what these worthy babes of grace might learn from the pious and instructing expositions of a stay-maker, and an old woman; for we all well know that it is not only at a sadder's at Oxford, but among all denominations of enthusiasm, that old women expound, preach, and administer the other offices of the church, — but shall proceed to say, that the punishment for this breach, not only of the statutes of the university, but of common decency, and (if the place was not registered) of the laws of the realm, was expulsion, vid.

* At the presentation of graduates, these articles in the 36th canon are by them subscribed (being previously read) before the proctors, agreeable to the statute tit. 9. sec. 5. § 3. page 90.

stat. aularia, sec. 4. § 34. "Quod si quis, aliquod dogma, contra Doctrinam, vel Disciplinam, Ecclesiæ anglicanæ defenderit vel conventiculis illicitis interesse præsumpserit; ab aula expellatur." — Apen: ad stat. page 74.

"If any one shall defend any unsound opinion contrary to the Doctrine, or Discipline, of the church of England, or shall presume to be present at illicit conventicles, let him be expelled from the hall."

Secondly, they were charged, that some of them had been bred to, and exercised the lowest trades, were all wholly illiterate, and incapable of performing the statutable exercises of the university; and much more incapable of being qualified for orders. — Although these charges of themselves might not be thought sufficient grounds for expulsion, there was a very high impropriety; yet it must be allowed in their first admission. — It can hardly be looked upon but as an impertinent intrusion, at least for these men to push themselves into a society of persons whose birth and education gave them

them the rank of gentlemen, but above all for two of these (as I am informed they did) to presume to wear the gentleman commoners gown, and rank with gentlemen of the most respectable families in the kingdom.

Their entire ignorance, even of the language in which the statutes of the body they had joined are written, and in which all public exercises are performed, made the very thought of placing them in the university ridiculous and absurd. We may hope this instance of an admission of persons wholly illiterate, will be a warning to the heads of houses, to give orders, that none may hereafter be admitted into their respective societies, who have not a competent knowledge of the languages; at least to understand the statutes, and perform the exercises. The sphere of the university (especially in its present state) is rather the sciences than the first elements of learning.

Thirdly, with regard to their Doctrines, which are pure methodism, viz. that faith without

without works is sufficient for salvation, and that there is no necessity for good works. — These, I presume, make no part of the Doctrines of the church of England, which expressly tells us in its 12th article, “ Albeit, that good works, which are the fruits of faith, and follow after justification, cannot put away our sins, and endure the severity of God’s judgment; yet are they pleasing and acceptable to God in Christ, and do spring out necessarily of a true and lively faith, insomuch, that by them a lively faith may be as evidently known as a true discerned by the fruit.” — And, yet the methodists have the effrontery to assure their followers, that they adhere strictly to, and we deviate from the articles of the church. I shall only add upon this head, that the propagation of this tenet alone would have been sufficient cause for expulsion by the statute, declaring the office of the vice chancellor, in which it is enacted. “ *Ut hereticos, scismaticos, et quoscunque alios minus recte de fide catholica, et Doctrina vel Disciplina Ecclesiæ Anglicanæ sentientes, procul a finibus universitatis* a man-

a mandados curet." Tit. 17. sec. 3. § 2. page 158. " That he shall take care to banish from the boundaries of the university all heretics, scismatics, and all others holding doctrines inconsistent with the catholic faith, and the Doctrine or Discipline of the church of England."

In regard to the ill-mannered and disrespectful behaviour of these men to their tutor. I shall only observe, that though such things may appear to some too trivial to have place in a public accusation ; yet

—————" Hæ nugæ
Seria ducunt in mala."

These trifles lead to serious evils. Disrespectful behaviour to superiors in communities, formed for the education of youth, is an high offence, as leading to the destruction of all discipline and good order, which ought to be maintained, and delinquents punished. — In the case of these men they were quietly dismissed from a society ; they were found not to possess any one qualification, and of which they had in
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many instances proved themselves unworthy.

I hope this plain account of the charges brought against the six members of E—— hall, and the statutes upon which they were expelled, will have the effect intended: I mean that of convincing men of candor, that the proceedings of the V——— C———, and the assessors, were worthy of gentlemen who have one of the most important charges in the world upon their hands, the care and education of youth. Unhappily this opportunity has been taken for a flame of party to blaze forth, a whole sect have been in arms. A private punishment upon a few individuals, for a flagrant breach of statutes, which they had *sworn* to observe, has by a vindictive party, been blown up into a persecution. They have combated with declamation, instead of argument; and, I believe, the best reason they can bring in defence of the accused members is like Juvenal's debauchee.

————— “Fecimus et nos
Hæc juvenes—————

“*We also did this when young.*” Like Jack
in

in the Tale of a Tub, they impute the lashes
their own folly hath brought upon their
backs to their steady assertion of their reli-
gion in this *wicked and adulterous generation*.
But men of candor will judge otherwise.
They will not think that the spirit of
God taught them to act directly against
laws they had *sworn* to observe, and articles
their own hands had subscribed to.

F I N I S.

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